

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants, Inc.

DATE: March 19, 2008

SUBJECT: Zoning Code Update Meeting 15 – Meeting Summary
March 10, 2008, Second Floor Conference Room
Harford County Office Building

Attendees

Workgroup Members Present:

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Samuel Fielder III
Mr. Rowan G. Glidden
Mr. Frank Hertsch
Mr. Jeffrey K. Hettleman
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gil Jones
Mr. Gregory J. Kappler
Mr. Michael Leaf
Ms. Gloria Moon
Mr. Torrence Pierce
Mr. Frank Richardson
Mr. Jim Turner
Mr. Lawrason Sayre
Mr. Craig Ward
Mr. Jay Young

Workgroup Members Absent:

Ms. Susan B. Heselton
Mr. Chris Swain
Mr. Bill Vanden Eynden
Ms. Marisa Willis

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

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Meeting Summary

The fifteenth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. Changes to the Meeting 13 Summary (per workgroup request at Meeting 14) were confirmed with the Workgroup members. The Meeting 14 Summary was distributed for review and approved by the workgroup with a few revisions/clarifications:

- 1) During meeting 14, it was stated that the workgroup previously agreed to permit GMA's County-wide. Although the meeting 14 summary reflects the conversation, that statement was incorrect and was clarified and agreed upon by the workgroup at the beginning of meeting 15.
- 2) Under Topic 7, Design Standards for GMA, the workgroup agreed that the results were correct as stated in the draft summary.
- 3) Discussion Bullet 2 under Topic 6 (on page 5) will be also listed as a result. The word "changes" will be correct to "changed"
- 4) Result 2 under Topic 3 will be corrected to state "The workgroup agreed to remove the statement under Section 267-68(A)(3) referring to housing for the elderly in the AG District."
- 5) The word "lowing" in Topic 1, Discussion Bullet 1 will be corrected to state "lowering". The word "three" in Topic 1, Discussion Bullet 2 will be replaced with "multiple".

Continued Workgroup Discussion of Special Developments

Mr. Pete Gutwald, Harford County's Director of the Department of Planning and Zoning (DPZ), continued the discussion of the Special Development section of the proposed Zoning Code.

Workgroup Discussion – Special Developments

The workgroup discussion included the following topics and recommendations presented below:

1. Topic: Continuing Care Retirement Community (CCRC)

Discussion:

- The discussion began by reviewing recommended changes to the CCRC section of the proposed zoning code made by one work group member. There were six specific changes recommended to the CCRC requirements:
 1. Eligibility requirements. It was suggested that wording which required State approval prior to application of a CCRC in §267-81A(1), be changed to state the approval process shall be concurrent.
 2. Development standards. Ancillary uses should specifically list out branch banks, auditoriums, theaters and TV studios as well as other resident-activity facilities in §267-81B(2).
 3. Development standards. The maximum number of units should be increased from 1,200 units to 2,000 units in §267-81B(3). There was general discussion on how CCRC's are like independent communities. They are gated and built over time, like a campus. It was noted that many State regulations must be met. It was also clarified by P&Z that these facilities are required to be served with public water and sewer and located within the Development Envelope.
 4. Development standards. Open space requirements in §267-81B(5) should incorporate the words "age appropriate" to ensure that the requirement is not met with facilities associated with younger families such as a ball fields.
 5. Specific design requirements. There was a discussion on the requirement that these facilities be compatible with the surrounding community. Retirement facilities can be built to incorporate design elements of residential uses in the neighborhood. However, generally these facilities are not single family homes, as are typical in residential communities. The purpose of "compatibility" with surrounding residential areas is to ensure that the placement, size, and scale of the buildings are appropriate. The workgroup was reminded that the CCRC requirements must be appropriate for different sizes and scales of retirement communities. It was suggested that rather than require compatibility, require the incorporation of design elements in §267-81C(1).
 6. Specific design requirements. It was suggested that the wording regarding height of the structure be changed from "shall comply with" to "shall not exceed" in §267-81C(3) for clarity.
- One workgroup member expressed concern with the suggestion to increase the maximum number of units and the impervious surface in the R1 zoning district for a CCRC. A suggestion was made to limit the total amount of impervious surface of a CCRC in the R1 zoning district to 40% of the parcel area. The 40% limit would include the buildings and other impervious surfaces.

- The workgroup discussed how the CCRC requirements have been in place for 12 years. However, none have been built in Harford County to date. Therefore, the process of building and permitting a CCRC should not be made more difficult.

Result:

- The workgroup agreed that §267-81(A)(1) should be changed to read, “The project developer shall have filed a Statement of Intent to provide continuing care facilities in Accordance with Article 70-B, Section 10(a) of the Annotated Code of Maryland”.
- The workgroup agreed to change §267-81(B)(2) to read, “Permitted Uses. Ancillary uses, including community convenience stores, *branch banks*, *auditoriums*, *TV studios*, *theaters*, retail gift shops and professional, medical, health and personal services, dining facilities, meeting rooms, *and other resident-activity facilities* are permitted, provided:
- The workgroup agreed, with dissenting views, to change 1,200 to 2,000 permitted units in §267-81(B)(3) which limits the total size of any single CCRC project.
- Under §267-81B(6)(a) and §267-81B(6)(b), the workgroup agreed to add “age appropriate” before “recreational activities” and “active recreation space”.
- The workgroup agreed to change §267-81(C)(1) to state “The project design shall incorporate design elements found in residential uses in the neighborhoods”. The second sentence will be deleted.
- Under §267-81(C)(3), the workgroup agreed to replace “shall comply with” with “shall not exceed”.
- In §267-81 (C)(6) and (C)(7), the majority of the workgroup agreed (with dissenting views) to keep the maximum building coverage and impervious surface ratio the same.

2. Topic: Corporate Office Parks (COP) – General Discussion

Discussion:

- Some workgroup members believed the 250 acre requirement for Corporate Office Parks was excessive. It was recommended that the requirement be lowered to 100 acres in §267-62C.
- As discussed in previous sections, projects should have direct access to *existing or planned* roadways. It was suggested that the wording be modified in §267-82C(1) to be consistent.
- A workgroup member suggested changing the maximum building stories from six (6) to eight (8) in §267-82D(1)(a). DPZ clarified that the height was originally set at six (6) stories in order to be consistent with the CRD and other county requirements. One workgroup member indicated that once over four (4) stories, a building must be framed with steel. Due to height material and labor costs, steel framing is not profitable until a minimum of eight (8) stories are constructed. Another workgroup member suggested the possibility that a problem with 8 stories could exist for the local Fire Departments.

- A workgroup member suggested removing the reference to retaining existing trees and incorporating them into the landscape to the greatest extent possible in §267-82D(3). It may be impossible to retain existing trees, and “to the greatest extent possible” is subject to each individual’s interpretation.
- A member of the workgroup suggested changing the wording in §267-82D(4) from “An architectural rendering...” to “A typical architectural rendering...”
- §267-82D(5)(a) indicates that uses and structures are permitted which are incidental to the principal use permitted in the LI district. It was suggested that the CI district be included as well.
- In §267-82D(5)(e), the Zoning Administrator must approve the plan that allocates the amount of square footage for each use. It was suggested that “square footage” be replaced with “area”.
- The workgroup discussed how lighting should be designed to not cause a glare on any residential lot, not just adjacent residential lots.
- DPZ clarified the meaning of “substantial” in §267-82(F) Modifications. Substantial should be interpreted as a major modification resulting in a change to the overall impact of the project. These changes typically involve type, location, and size and may include such changes as the total number of or type of units, changing the road access, and easements.

Result:

- The workgroup agreed to reduce the minimum parcel size for Corporate Office Parks in the CI or LI districts to 100 acres as shown in §267-82C of the proposed Zoning Code.
- The workgroup agreed to insert “existing or planned” before “Collector” in §267-82(C)(1).
- The majority of the workgroup agreed (with dissenting views) to change the height requirements in §267-82(D)(1)(a) to a maximum of eight (8) stories.
- The workgroup agreed, with multiple dissenting views, to remove the sentence “Existing trees shall be retained and incorporated into the landscaping and site design to the greatest extent possible.” from §267-82E(3)(b).
- The workgroup agreed to add “typical” before “architectural rendering” in §267-82(E)(4)(a).
- The workgroup agreed to add the “CI” district to §267-82(E)(5)(a).
- The workgroup agreed to change “square footage” to “area” in §267-82(E)(5)(e).
- The workgroup agreed to remove “adjacent” from §267-82(E)(6)(b).

3. Topic: Corporate Office Parks (COP) – Service/Retail Use

Discussion:

- A workgroup member suggested increasing the portion of the project which can be retail and service uses from 20% to 30% gross square footage; and, suggested increasing the gross square footage for retail/service uses from 100,000 square feet

to 250,000 square feet. It was suggested that 100,000 square feet really is not much retail and that uses such as restaurants will be utilized on the weekends by the general public. Another member thought that the retail should be intended for the on-site commercial users and not for the outside public. Workgroup members were reminded that the purpose of the COP is stated as “limited retail and service” uses. Another member recommended allowing 1,000 square feet of retail/service per acre of COP and to decrease the minimum parcel size to 100 acres. It was also suggested that a clarification be included in the language stating that the retail and service uses shall not be ICSC’s.

Result:

- The workgroup agreed to a compromise, allowing a maximum of 25% of *non residential* gross square footage to be utilized for service/retail, not to exceed 200,000 square feet in §267-82E(5)(b).
- The workgroup agreed to state in §267-82(E)(5)(b) that retail/service centers will not be considered an Integrate Community Shopping Center (ICSC).

4. Topic: Corporate Office Parks (COP) – Residential Use

Discussion:

- In order to encourage the area in a COP to be used for office space, a workgroup member suggested reducing the 40% maximum square footage that can be used for residential. One suggestion was to allow 250 acres or 100 acres of residential depending on the parcel size. The COPs are supposed to be areas where residents can live and work in close proximity but the majority of the uses are for office. It was suggested to change the wording to read “Residential uses may be incorporated into the overall acreage, up to 40% in §267-82E(5)(c). In addition, a workgroup member suggested eliminating §267-82(E)(5)(c)(2) so that it is not misinterpreted to mean that residential units must be in the same building as the offices.
- Since specific sections of the COPs are built at different times, the percentages for usage are intended to ensure that COPs have the desired mix of uses. The timing of office/residential building needs to be appropriate so that when an office is ready to open, the residential space is also ready for occupation. In addition, residential uses should not be in place before offices are constructed.
- Since no residential design standards are specified in the COP section, a workgroup member suggested using R4/COS. Another workgroup member stated that R4/COS is limited to 6 stories.

Result:

- The workgroup agreed to change §267-82E(5)(c) to read “Residential uses may be incorporated into the overall acreage, up to 40%. In addition, §267-82E(5)(c)[1] and [2] will be deleted.

- The workgroup agreed (with a dissenting view) to incorporate language on timing of the phased development of office, residential, and retail to be appropriate for the occupancy at that phase.
- The workgroup agreed R4/COS design standards, with the exception of the height restriction, will be utilized for residential development in Corporate Office Parks.

5. Topic: Corporate Office Parks (COP) –Signs

Discussion:

- A workgroup member suggested that more than one road sign per road frontage may be necessary to adequately identify offices in the COP. One workgroup member suggested allowing an additional identification sign, not to exceed five (5) feet in height or 20 total square feet, for each lot.
- A workgroup member suggested allowing temporary or portable signs during construction.

Result:

- The workgroup agreed to allow an additional site identification sign for site identification in §267-82(E)(8)(b).
- The workgroup agreed to add, “following use and occupancy permit.” to §267-82(E)(8)(e)(3). Additionally, DPZ will check the Signs section of the proposed Zoning Code to ensure consistency with the language for temporary/portable signs.

Presentation on Special Exceptions

Mr. Gutwald reviewed the changes to the Special Exceptions section of the proposed Zoning Code.

Workgroup Discussion – Special Exceptions:

A workgroup discussion followed Mr. Gutwald’s presentation.

1. Topic: AG District - Commercial Vehicle/Equipment Storage, Farm Vehicle/Equipment Sales & Service

Discussion:

- There was a general discussion on how the size of farm equipment makes it unpractical to completely buffer the equipment from view of adjacent lots. An equipment sales business needs customers to be able to see the equipment for sale. A workgroup member suggested eliminating §267-85(D)(1)(a) or removing “farm vehicle and equipment sales and service” from §267-85(D)(1)(a). Another workgroup member suggested allowing farm equipment sales and service as a special development instead of a special exception. On the Use Classification Chart on page 140, the “Farm vehicles and equipment sales and service” and the associated permitted districts would be combined with “Farm vehicles and equipment storage,

- service, and repair” as a special development. As a special development, AG/Commercial activities do not require Board approval.
- One workgroup member is concerned that §267-85(D)(1) allows more commercial use than what may be intended in the AG District. The workgroup member suggested not allowing commercial vehicles in the AG District as a special exception. There is also a concern regarding residents in the AG District who are mainly operating a second business from their property that does not fall under the definition of agriculture. However, if these residents were not allowed to store commercial vehicles on the AG property, then they would be forced to purchase a piece of land inside the development envelope in the GI district. Another workgroup member was concerned about residents in the AG district who maintain their agricultural business but also have a second job, such as construction, in the off season.

Result:

- The workgroup agreed to make farm equipment sales and service a permitted use in the AG district subject to special development regulations and not special exception regulations. The Use Classification chart on pg 140 will be updated accordingly.
- The majority of workgroup members agreed (with dissenting views) to continue to allow commercial vehicles in the AG District, per §267-85(D)(1).

2. Topic: Special Exceptions – Construction Services and Suppliers

Discussion:

- A workgroup member suggested also allowing construction services and suppliers in the LI and B2 Districts. Buffers are already required for these services. Another workgroup member disagreed with the B2 designation, stating that it’s neighborhood business. A member of the workgroup clarified that B1 zoning is neighborhood; however, B2 is community.

Result:

- The workgroup agreed to add the LI district to the list of allowed districts for construction service and suppliers in §267-85(H)(1).
- The majority of the workgroup agreed (with dissenting views) to add the B2 district to the list of allowed districts for construction service and suppliers in §267-85(H)(1).

At Meeting 16, the workgroup will continue the discussion on Special Exceptions. The workgroup will also discuss Landfills, Historic Preservation and Growth Management. A handout summarizing ARTICLE IX Special Exceptions, and summarizing ARTICLE X Landfills, was distributed for review at Meeting 14.

Administrative Issues:

The meeting was adjourned at 4:10 pm.

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The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 14 Summary

Next Scheduled Meetings

Date: March 24, 2008
Time: 2:00 pm - 4:00 pm
Topic: Meeting 16 –Special Exceptions (continued) Landfills and Historic Preservation
and Growth Management
Location: Harford County Administrative Office Building
220 South Main Street, 2nd Floor Conference Room
Bel Air, MD 21014

Date: April 14, 2008
Time: 2:00 pm - 4:00 pm
Topic: Meeting 17 – Growth Management and Subdivision Regulations
Location: Harford County Administrative Office Building
220 South Main Street, 2nd Floor Conference Room
Bel Air, MD 21014